

REMARKS

In the final Office Action, the Examiner rejected claims 1, 2, 11-13, 38, 42-44, 48-52, and 59 under 35 U.S.C. § 103(a) as allegedly unpatentable over Bowman et al. (U.S. Patent No. 6,006,225) in view of Search Engine Showdown ("Google News Loses Functionality," 2003) (hereinafter referred to as "SES") and Teare et al. (U.S. Patent No. 6,151,624); and rejected claims 7-9, 45-47, 53-58, and 60 under 35 U.S.C. § 103(a) as allegedly unpatentable over Bowman et al. in view of SES and Teare et al. and further in view of Korda et al. (U.S. Patent No. 6,564,210).

By this Amendment, Applicant proposes amending claims 1, 7-9, 12, 13, 38, 44-47, 49, 52-58, and 60 to improve form, and canceling claim 48 without prejudice or disclaimer. Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 103. Claims 1, 2, 7-9, 11-13, 38, 42-47, and 49-60 are pending.

Initially, Applicant acknowledges the Examiner's "Examiner Notes," on page 10 of the final Office Action, in which the Examiner indicates that he is unpersuaded by Applicant's arguments and suggests that Applicant appeal. Applicant respectfully requests that the Examiner discuss the propriety of the Examiner's rejections with his supervisor prior to issuing the next Office Action so that Applicant can save the time and expense of having to appeal the Examiner's rejection.

REJECTION UNDER 35 U.S.C. § 103 BASED ON BOWMAN ET AL., SES, AND TEARE ET AL.

In paragraph 2 of the final Office Action, the Examiner rejected pending claims 1, 2, 11-13, 38, 42-44, 49-52, and 59 under 35 U.S.C. § 103(a) as allegedly unpatentable over Bowman et al., SES, and Teare et al. Applicant respectfully traverses the rejection.

Independent claim 1 is directed to an automated method that comprises receiving, by a processor, a search query; determining, by the processor, that the received search query includes an entity name corresponding to a particular entity; determining, by the processor, whether to rewrite the received search query based on information relating to selections of search results from prior searches conducted based on prior search queries including the entity name; rewriting, by the processor, the received search query to include a restrict identifier relating to a domain associated with the particular entity when the information, relating to selections of search results from the prior searches, indicates that search results relating to the particular entity were selected for the prior search queries including the entity name; automatically performing, by the processor, a search restricted to the domain associated with the particular entity, based on the rewritten search query, to generate a list of search results; and outputting, by the processor, the list of search results for presentation on a display.

Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in claim 1. For example, Bowman et al., SES, and Teare et al. do not disclose or suggest rewriting, by the processor, a received search query to include a restrict identifier relating to a domain associated with a particular entity when information, relating to selections of search results from prior searches, indicates that search results relating to the particular entity were selected for the prior search queries including the entity name, as recited in claim 1.

The Examiner alleged that Bowman et al. discloses rewriting a received search query when information relating to selections of search results from prior searches indicates that users intended a particular entity when the users submitted prior search queries including the entity

name and cited column 6, line 59 - column 7, line 34, of Bowman et al. for support (final Office Action, page 3). Without acquiescing in the Examiner's allegation, Applicant submits that Bowman et al. does not disclose or suggest rewriting, by the processor, a received search query to include a restrict identifier relating to a domain associated with a particular entity when information, relating to selections of search results from prior searches, indicates that search results relating to the particular entity were selected for the prior search queries including the entity name, as recited in claim 1.

At column 6, line 59 - column 7, line 34, Bowman et al. discloses storing a related term together with a correlation score that indicates the number of times the related term has appeared in combination with a key term in user queries. This section of Bowman et al. also discloses that when a user submits a query, one or more related terms are identified and these related terms are presented as suggested terms with the query result listing. Nowhere in this section, or elsewhere, does Bowman et al. disclose or suggest anything that can reasonably correspond to information relating to selections of search results from prior searches. Rather, Bowman et al. discloses something very different: the number of times that a related term has appeared in combination with a key term in user queries (col. 6, lines 30-32). Simply identifying the number of times that two query terms appear together in a user query is totally unrelated to selections of search results from prior search queries. Thus, contrary to the Examiner's allegation, Bowman et al. does not disclose or suggest rewriting, by a processor, a received search query . . . when information relating to selections of search results from prior searches indicates that search results relating to the particular entity were selected for the prior search queries including the entity name, as recited in claim 1.

In response to a similar argument previously presented by Applicant, the Examiner alleged:

Specifically note that the cited passage of Bowman discloses invoking a "related term selection process." These related terms are discovered based upon queries which previously ran successfully, which **appears to be equivalent** to the Applicant's claimed "information relating to selections of search results from prior search queries" [Bowman: column 7, lines 4-10 and column 7, lines 14-17].

(final Office Action, page 11) (emphasis added). It is unclear from the Examiner's allegation whether the Examiner is (1) alleging that entering multiple terms of a user query corresponds to selecting search results, or (2) alleging that because the selection process in Bowman et al. is "based upon queries which previously ran successfully" that this somehow corresponds to information relating to selections of search results. In either case, Applicant submits that the Examiner's allegation lacks merit.

In response to (1), as the Examiner must realize, entering terms of a user query and selecting search results are completely different functions and cannot reasonably be considered to be equivalent. When a user desires to perform a search, the user may enter one or more terms that form a user query. The user query may be presented to a search engine that performs a search, based on the user query, and returns a set of search results. The user might select one or more of the search results to obtain the documents corresponding to these search results. Thus, clearly, entering terms of a user query cannot be considered equivalent to selecting search results. If the Examiner continues to assert that entering terms of a user query is "equivalent" to selecting search results, the Applicant requests that the Examiner provide a reasonable explanation of how entering terms of a user query can reasonably be considered the same as selecting search results.

In response to (2), Bowman et al. discloses considering "successful" multi-term query submissions when selecting related terms (col. 9, lines 42-55). Bowman et al. defines a "successful" query submission as one that produces at least one search result (col. 9, lines 50-65). Bowman et al.'s disclosure of considering successful multi-term query submissions has absolutely nothing to do with whether any search results from these successful query submissions were selected. Thus, this disclosure of Bowman et al. cannot reasonably correspond to information relating to selections of search results.

The Examiner further alleged:

The suggested search terms are returned to a user based upon the highest correlation scores [Bowman: column 7, lines 14-23]. And correlation scores depend whether or not that a query, or query term, has been "successful" in the past query runs [Bowman: column 7, lines 4-13]. For a query, or query term, to have been "successful" means that it must have at least "corresponded to" or been "associated with" search results deemed helpful by a user in the past. Therefore, it appears that the related terms do at least "reasonably correspond" to information relating to selections of search results from prior searches.

(final Office Action, page 13). Applicant submits that the Examiner's allegations lack merit.

The Examiner is making up a definition for the term "successful" that is contrary to the definition given in the Bowman et al. reference and is based, solely, on impermissible hindsight.

The Examiner alleged that "successful," as used by Bowman et al., means that the query term "must have at least 'corresponded to' or been 'associated with' search results deemed helpful by a user in the past" (final Office Action, page 13). Bowman et al. provides absolutely no support for the Examiner's allegation. Rather, Bowman et al. specifically discloses that a query submission is successful when it produces at least one search result (col. 9, lines 50-65). Bowman et al. does not disclose, or remotely suggest, that the success of a query submission depends at all on whether a user selected one of the search results. Thus, the Examiner's

allegations, which are based solely on impermissible hindsight, lack merit.

Thus, contrary to the Examiner's allegations, Bowman et al. does not disclose or suggest rewriting, by the processor, a received search query . . . when information, relating to selections of search results from prior searches, indicates that search results relating to the particular entity were selected for the prior search queries including the entity name, as recited in claim 1.

The Examiner admitted that Bowman et al. does not disclose rewriting a received search query to include a restrict identifier (final Office Action, page 4). The Examiner alleged that SES discloses restricting searches to a domain or site of a news source using a restrict identifier (final Office Action, page 4). The Examiner alleged that it would have been obvious to include a restrict identifier in the Bowman et al. system "to allow the user to narrow the search results and to aid in providing the desired web page" (final Office Action, page 4). Applicant submits that the Examiner's allegation lacks merit.

Applicant submits that the Examiner's allegation is merely a conclusory statement of an alleged benefit of the combination. Such conclusory statements have been repeatedly held to be insufficient for establishing a prima facie case of obviousness. In this respect, Applicant relies upon KSR International Co. v. Teleflex Inc., 550 U.S. 398 (2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. The Examiner provided no such articulated reasoning.

Bowman et al. already discloses narrowing search results by presenting related query terms. Thus, the Examiner has not provided an articulated reason with some rational

underpinning as to why one of ordinary skill would have modified the Bowman et al. system to rewrite a received search query to include a restrict identifier relating to a domain associated with a particular entity. In fact, Applicant submits that a restrict identifier would add nothing to the operation of the Bowman et al. system since Bowman et al. appears to disclose searches associated with a single domain (i.e., the Amazon.com web site) (col. 4, lines 58-67). Thus, even assuming, for the sake of argument, that Bowman et al. discloses receiving a search query that includes an entity name corresponding to a particular entity (a point that Applicant does not concede), Bowman et al. would not disclose or suggest rewriting the received search query to include a restrict identifier relating to a domain associated with the particular entity even if one of ordinary skill in the art at the time of Applicant's invention was aware of the Bowman et al. system and the disclosure of SES.

The Examiner alleged that the combination of Bowman et al. and SES would yield a predictable result of a query being restricted to a domain (final Office Action, page 14). Contrary to the Examiner's allegation, modifying the Bowman et al. system to include a restrict identifier would merely permit a user to provide a restrict identifier in a user query, perform a search limited to a source identified by the restrict identifier, and provide the user with terms related to the terms that the user entered for the user query. Thus, contrary to the Examiner's allegation, modifying the Bowman et al. system to include a restrict identifier would not result in rewriting, by a processor, a received search query to include a restrict identifier relating to a domain associated with a particular entity when information relating to selections of search results from prior searches indicates that search results relating to the particular entity were selected for the prior search queries including the entity name, as recited in claim 1.

In response to similar arguments previously presented by Applicant, the Examiner alleged:

Bowman contains multiple embodiments. There is at least one embodiment which appears to be directed to only a single domain (i.e., the Amazon.com web site) [Bowman: column 4, lines 58-67]. However, there is at least one embodiment that expressly suggests that two or more domains are searched. Note specifically that Bowman discloses wherein his invention is part of an "on-line services network." [Bowman: column 4, lines 35-40]. In such an embodiment, as suggested by Bowman, a search such as that disclosed by the "source" command disclosed by SES for limiting a search to a particular domain would indeed be useful. Furthermore, the results would be predictable.

(final Office Action, pages 14-15). The Examiner's allegation is based solely on impermissible hindsight. There is absolutely nothing in the disclosure of Bowman et al. that remotely suggests that an on-line services network includes more than one domain. If the Examiner maintains this position, Applicant requests that the Examiner provide proof that an on-line services network definitively includes more than one domain. Thus, contrary to the Examiner's allegation, adding the restrict identifier of SES into the system of Bowman et al. would not lead to predictable results because Bowman et al. discloses a system directed to a single domain.

The Examiner also alleged that:

Bowman: column 4, lines 36-44 clearly discloses wherein the invention of Bowman is used on a single website [or domain] **and/or** wherein the invention of Bowman is used on a plurality of websites [or domains] such as an on-line services network. Here there is clear contrast between implementation of the invention on a single website and implementation on an entire network comprising many sites.

(final Office Action, page 15) (emphasis in original). Contrary to the Examiner's allegation, Bowman et al. does not disclose a plurality of web sites. Rather, Bowman et al. discloses (1) a web site, (2) an Internet site, (3) an on-line services network, and (4) a document retrieval system. The Examiner appears to allege that a network necessarily has a plurality of web sites.

The Examiner's allegation has no basis in fact. Again, Applicant requests that the Examiner provide proof that an on-line services network definitively includes more than one domain, as alleged by the Examiner.

Further, even assuming, for the sake of argument, that the disclosure of Bowman et al. could somehow be construed to disclose a multi-domain system (a point that Applicant does not concede), modifying the Bowman et al. system to include a restrict identifier would not operate as alleged by the Examiner. Contrary to the Examiner's allegation, modifying the Bowman et al. system to include a restrict identifier would merely permit a user to provide a restrict identifier in a user query, perform a search limited to a source identified by the restrict identifier, and provide the user with terms related to the terms that the user entered for the user query. Thus, contrary to the Examiner's allegation, modifying the Bowman et al. system to include a restrict identifier would not result in rewriting, by a processor, a received search query to include a restrict identifier relating to a domain associated with a particular entity when information, relating to selections of search results from prior searches, indicates that search results relating to the particular entity were selected for the prior search queries including the entity name, as recited in claim 1. The Examiner has provided absolutely no evidence as to why modifying the Bowman et al. system to include a restrict identifier would do anything more than perform a search limited to a particular source only when a user includes the restrict identifier in the user query. This would be the only predictable result that would be produced by modifying the Bowman et al. system to include a restrict identifier.

The Examiner also relied upon Teare et al. for allegedly disclosing resolving an entity name to a corresponding URL based on statistics from prior queries (final Office Action, page

4). Without acquiescing in the Examiner's allegation with regard to Teare et al., Applicant submits that Teare et al. does not cure the deficiencies in the disclosures of Bowman et al. and SES.

Teare et al. discloses a system that maps real names to network addresses (i.e., URLs), where a "real name" is the name of a network resource expressed in conventional syntax of a natural language (col. 9, lines 8-12). Teare et al. discloses that if a real name yields more than a single match (e.g., the real name "Microsoft" might match the real names "Microsoft Excel" and "Microsoft Word"), then statistical information, including a usage value computed by applying a weighting function to a count of past resolutions for that real name, is used to order the matches (col. 21, lines 39-56). Teare et al. does not disclose or suggest anything that would cure the deficiencies in the disclosures of Bowman et al. and SES that are identified above. Thus, Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest rewriting, by a processor, a received search query to include a restrict identifier relating to a domain associated with a particular entity when information, relating to selections of search results from prior searches, indicates that search results relating to the particular entity were selected for the prior search queries including the entity name, as recited in claim 1.

Bowman et al., SES, and Teare et al. also do not disclose or suggest automatically performing, by a processor, a search restricted to the domain associated with the particular entity, based on the rewritten search query, to generate a list of search results, as further recited in claim 1.

The Examiner alleged that Bowman et al. discloses performing a search based on a

rewritten search query (final Office Action, page 3). The Examiner admitted that Bowman et al. does not disclose automatically performing this search, but instead discloses simply providing hyperlinks to rewritten search queries (final Office Action, page 3). The Examiner cited to a prior legal decision that allegedly supports the notion that automating a manual activity is not sufficient to distinguish over the prior art (final Office Action, pages 3-4). Applicant again submits that the Examiner is misapplying the prior legal decision.

Claim 1 does not simply recite automating a manual activity. In other words, performing a search is not a manual activity. It is an automated activity, which is being automatically performed in claim 1. In other words, claim 1 recites that a search is automatically performed (i.e., a search is performed without requiring the user to select a link to perform the search, as required by Bowman et al.). By automatically performing the search, as recited in claim 1, a user can be presented with useful search results faster than, for example, a system that requires the user to select a link to perform a search. Thus, the Examiner is misapplying the prior legal decision.

The Examiner alleged that the prior legal decision is being relied upon to support automating the manual rewriting or modifying of a query (final Office Action, page 17). Even assuming, for the sake of argument, that Bowman et al. discloses automatically rewriting a query, Applicant submits that Bowman et al. does not disclose or suggest automatically performing, by a processor, a search restricted to the domain associated with the particular entity, based on the rewritten search query, to generate a list of search results, as recited in claim 1. The Examiner has provided no evidence to the contrary.

Even assuming, for the sake of argument, that it would have been obvious to automate

the performing of a search in Bowman et al. (a point that Applicant does not concede), the resulting system still would not automatically perform a search restricted to the domain associated with the particular entity, based on the rewritten search query, to generate a list of search results, as recited in claim 1. For at least these reasons, Applicant submits that a *prima facie* case of obviousness has not been established with regard to claim 1.

For at least these reasons, Applicant submits that claim 1 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination. Claims 2, 11, 50, and 51 depend from claim 1 and are, therefore, patentable over Bowman et al., SES, and Teare et al. for at least the reasons given with regard to claim 1. Claims 2, 11, 50, and 51 are also patentable over Bowman et al., SES, and Teare et al. for reasons of their own.

For example, claim 2 recites providing a link to the received search query with the search results, where selection of the link causes a search to be performed based on only the received search query. Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest this feature.

The Examiner alleged that Bowman et al. discloses a link to the received search query and cited item 910 in Figure 9 of Bowman et al. for support (final Office Action, page 4).

Applicant submits that the Examiner's allegation lacks merit.

Bowman et al. specifically describes that item 910 corresponds to links to search queries that have been modified to include related terms (col. 14, lines 13-17). Contrary to the Examiner's allegation, none of the links in item 910 is a link to the received search query. Bowman et al. specifically discloses that the received search query is "outdoor trail" (Fig. 9; col. 14, lines 13-15). None of the links in item 910 is a link to the received search query of "outdoor

trail." Rather, the top link in item 910 is a link to the search query of "outdoor trail bike;" the middle link in item 910 is a link to the search query of "outdoor trail sports;" and the bottom link in item 910 is a link to the search query of "outdoor trail vacation" (Fig. 9). Thus, Applicant submits that there is no merit to the Examiner's allegation. Nowhere in connection with Figure 9, or elsewhere, does Bowman et al. disclose or suggest providing a link to a received search query with search results obtained from a search performed on a domain associated with a particular entity, where selection of the link causes a search to be performed based on only the received search query, as recited in claim 2. SES and Teare et al. also do not disclose or suggest this feature of claim 2.

In response to a similar argument previously presented by Applicant, the Examiner alleged:

Specifically, Fig. 9 even includes a caption by the title "Related Query Terms" which recites "**Click the link below to narrow your search by adding a related term**". Upon clicking this link, a search is performed. The reference on this issue is so clear, that further explanation is not required.

(final Office Action, page 18) (emphasis in original). There is absolutely no merit in the Examiner's allegation. None of the links in item 910 is a link to the received search query, as explained above. Rather, the links in item 910 are to modified search queries. The received search query is "outdoor trail" (Fig. 9; col. 14, lines 13-15). The links in item 910 are clearly not to the received search query, but rather to modified search queries of: "outdoor trail bike," "outdoor trail sports," and "outdoor trail vacation" (Fig. 9; col. 14, lines 15-22). It is incomprehensible how the Examiner can allege otherwise. Thus, Bowman et al. does not disclose providing a link to the received search query with the search results, where selection of the link causes a search to be performed based on only the received search query, as recited in

claim 2.

For at least these additional reasons, Applicant submits that claim 2 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination.

Claim 50 recites that the entity name corresponds to a store name associated with a particular store, and automatically performing the search restricted to the domain associated with the particular entity includes automatically performing a search restricted to a domain associated with the particular store. Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest these features.

The Examiner did not address these features, but instead simply referred to the rejection of claim 43 (final Office Action, page 6). With regard to claim 43, the Examiner alleged that SES shows that it is desirable to restrict to a domain for a given source name (final Office Action, page 5). Applicant disagrees with the Examiner's allegation.

SES does not disclose or suggest that it is "desirable" (Examiner's wording) to restrict to a domain for a given source name, as alleged by the Examiner. Instead, SES discloses that it is possible to restrict a search to a particular news source in Google News. Nowhere does SES disclose or remotely suggest restricting a search to a domain associated with a particular store associated with a store name included in a received search query. Rather, SES only discloses that the restrict feature is available in Google News. Thus, SES does not disclose or suggest automatically performing a search restricted to a domain associated with the particular store associated with a store name included in a received search query, as recited in claim 50.

In response to a similar argument previously presented by Applicant, the Examiner alleged:

it is clear that SES discloses restricting a given search query to a domain for a given source name [specifically, source: new_york_times]. The Examiner sets forth that this source name can come from any entity that has a URL. It can be a particular web site URL, a news source [as explicitly shown in SES], or a store name found in the URL of an online shipping web site.

(final Office Action, page 19). Contrary to the Examiner's allegation, SES does not disclose that searches can be restricted for "any entity that has a URL." Rather, SES discloses restricting searches in Google News. Applicant requests that the Examiner provide evidence that supports the Examiner's assertion that SES discloses restricting searches to a "source name [that] can come from any entity that has a URL." The Examiner should understand that if the Examiner is asserting that this would be an obvious modification of the SES disclosure, the Examiner is required to provide reasons to support why it would have been obvious. The Examiner has provided no such reasons.

Further, even assuming, for the sake of argument, that SES could reasonably be construed as disclosing restricting a search to a domain associated with a particular store associated with a store name included in a received search query (a point that Applicant does not concede), Applicant submits that it would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the system of Bowman et al. to include this feature. Bowman et al. discloses a search performed on the Amazon.com web site (col. 4, lines 58-60). In other words, a search performed in Bowman et al. is already restricted to the Amazon.com web site. Thus, contrary to the Examiner's allegation, it would not make sense to restrict a search to a domain associated with a particular store associated with a store name included in a received search query in the Bowman et al. system.

For at least these additional reasons, Applicant submits that claim 50 is patentable over

Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination.

Independent claim 12 is directed to a system implemented within one or more computer devices. The system comprises means for receiving a search query; means for determining that the received search query includes an entity name corresponding to a particular entity; means for rewriting the received search query to include a restrict identifier relating to a domain associated with the particular entity when the received search query includes the entity name; means for automatically performing a search restricted to the domain associated with the particular entity, based on the rewritten search query, to obtain search results in lieu of performing a search based on the received search query; and means for providing the search results.

Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, do not disclose or suggest the combination of features recited in amended claim 12. For example, Bowman et al., SES, and Teare et al. do not disclose or suggest means for rewriting a received search query to include a restrict identifier relating to a domain associated with the particular entity when the received search query includes the entity name, as recited in claim 12, for at least reasons similar to reasons given with regard to claim 1.

Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, also do not disclose or suggest means for automatically performing a search restricted to the domain associated with the particular entity, based on the rewritten search query, to obtain search results in lieu of performing a search based on the received search query, as further recited in claim 12.

The Examiner did not address this feature, but instead, generally referred to the rejection of claim 1 (final Office Action, page 5). Claim 1, however, does not recite this

feature. Therefore, the Examiner did not establish a prima facie case of obviousness with regard to claim 12.

Moreover, Applicant submits that Bowman et al. teaches away from the above-identified feature of claim 12. Bowman et al. discloses performing a search based on a received user query and presenting sets of related terms with the results of performing the search based on the received user query (col. 14, lines 13-18). Nowhere does Bowman et al. disclose or remotely suggest performing a search based on a rewritten search query in lieu of performing a search based on a received search query. Thus, Bowman et al. cannot disclose or suggest means for automatically performing a search restricted to the domain associated with the particular entity based on the rewritten search query to obtain search results in lieu of performing a search based on the received search query, as recited in claim 12. The disclosures of SES and Teare et al. provide nothing to cure these deficiencies in the disclosure of Bowman et al.

The Examiner alleged that Applicant has not shown why the applied references fail to disclose the above-identified feature of claim 12 (final Office Action, page 21). Applicant disagrees. Applicant specifically stated that Bowman et al. teaches away from this feature and that SES and Teare et al. do not disclose the feature either.

The Examiner then threatened to issue a restriction if Applicant's argument is maintained (final Office Action, page 21). Applicant maintains the argument set forth above and request that the Examiner properly address the features of claim 12 and all other pending claims.

For at least these reasons, Applicant submits that claim 12 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination.

Independent claim 13 recites features similar to, yet possibly different in scope from,

features recited in claim 1. Therefore, claim 13 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 1. Claims 44 and 49 depend from claim 13 and are, therefore, patentable over Bowman et al., SES, and Teare et al. for at least the reasons given with regard to claim 13.

Independent claim 38 recites features similar to, yet possibly different in scope from, features recited in claims 1 and 12. Therefore, claim 38 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claims 1 and 12.

Independent claim 42 recites features similar to, yet possibly different in scope from, features recited in claim 50. Therefore, claim 42 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 50.

Independent claim 43 recites features similar to, yet possibly different in scope from, features recited in claim 51. Therefore, claim 43 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given with regard to claim 51. Claim 59 depends from claim 43 and is, therefore, patentable over Bowman et al., SES, and Teare et al. for at least the reasons given with regard to claim 43.

Independent claim 52 recites features similar to, yet possibly different in scope from, features recited in claim 1. Therefore, claim 52 is patentable over Bowman et al., SES, and Teare et al., whether taken alone or in any reasonable combination, for at least reasons similar to

the reasons given with regard to claim 1.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 11-13, 38, 42-44, 49-52, and 59 under 35 U.S.C. § 103 based on Bowman et al., SES, and Teare et al. be reconsidered and withdrawn.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
BOWMAN ET AL., SES, TEARE ET AL., AND KORDA ET AL.*

In paragraph 3 of the Office Action, the Examiner rejected claims 7-9, 45-47, 53-58, and 60 under 35 U.S.C. § 103(a) as allegedly unpatentable over Bowman et al., SES, Teare et al., and Korda et al. Applicant traverses the rejection.

Claims 7-9 depend from claim 1; claims 45 and 46 depend from claim 13; claims 53 and 54 depend from claim 52; claims 55 and 56 depend from claim 38; claims 57 and 58 depend from claim 42; and claim 60 depends from claim 43. Without acquiescing in the Examiner's rejection of claims 7-9, 45-47, 53-58, and 60, Applicant submits that the disclosure of Korda et al. does not cure the deficiencies in the disclosures of Bowman et al., SES, and Teare et al. identified above with regard to claims 1, 13, 38, 42, 43, and 52. Therefore, Applicant submits that claims 7-9, 45-47, 53-58, and 60 are patentable over Bowman et al., SES, Teare et al., and Korda et al., whether taken alone or in any reasonable combination, for at least the reasons given above and with regard to claims 1, 13, 38, 42, 43, and 52.

Accordingly, Applicant respectfully requests that the rejection of claims 7-9, 45-47, 53-58, and 60 under 35 U.S.C. § 103 based on Bowman et al., SES, Teare et al., and Korda et al. be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the

Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicant's remarks with respect to the Examiner's rejections overcome the rejections, Applicant's silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or that such requirements have been met, and Applicant reserves the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned to discuss any outstanding issues.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the claims in condition for allowance. Applicant submits that the entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: May 4, 2009

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